

REMARKS

Favorable reconsideration of the subject application is respectfully requested in view of the above amendments and the following remarks. Following the amendments, claims 36-41 are pending in the application, with claim 36 being in independent format.

Applicants wish to thank the Examiner for his helpful telephone discussions with the applicants' representative on March 8, 2004.

The specification has been amended to remove text added in previous amendments and objected to by the Examiner as constituting new matter. Claims 1-35 have been cancelled from the application, and new claims 36-41 have been added. Independent claim 36 is drawn to subject matter that the Examiner has previously indicated would be allowable, namely compositions comprising galactose, an acid fast protease, a peptidase, a cysteine protease and phytase. It is submitted that support for newly added claim 36 may be found throughout the specification as originally filed, and in particular at page 8, lines 7-24. Newly added claims 37-39, dependent upon claim 36, are drawn to compositions comprising specific cysteine proteases, acid fast protease and/or peptidases. Support for these claims may be found, for example, at page 9, lines 19- page 10, line 2, and page 15, lines 22-27, of the specification as originally filed. Newly added claims 40 and 41, also dependent upon claim 36 are drawn to compositions comprising the additional components lactase or quiescent cell praline dipeptidase. Support for these claims may be found on page 10, lines 3-9, and page 14, lines 29-32, of the specification.

It is urged that support for all the above amendments may be found throughout the specification as originally filed, and that none of the amendments constitute new matter or raise new issues for consideration.

Objections to the Specification

The Examiner objected to the amendments filed December 4, 2001 and August 4, 2003 as introducing new matter. As noted above, the text previously added to the originally filed specification by these amendments has been cancelled from the application.

Claim Rejections under 35 USC §112, first paragraph

Claims 1, 2, 5-8, 12-15, 17-22, 24, 25 and 27-33 were finally rejected under 35 USC §112, first paragraph, as lacking an enabling disclosure. These claims have been cancelled from the

application, thereby rendering this rejection moot. Applicant believes that the newly added claims fully satisfy all the requirements of 35 USC §112.

Claim Rejections under 35 USC §102 and §103

Claims 1, 2, 5-8, 12-15, 17-22, 24, 25 and 27-33 were finally rejected under 35 USC §102 and/or 35 USC §103 as being anticipated by, and/or unpatentable over Wilkinson (US Patent 6,251,391), Lima et al. (WO 97/39116). These claims have been cancelled from the application.


Concluding Remarks

Applicant notes that the Examiner has indicated that claims drawn to the compositions comprising galactose, acid fast protease, peptidase, cysteine protease and phytase, as recited in new independent claim 36, are free of the prior art of record. Early reconsideration and allowance of claims 36-42 is thus respectfully requested.

Every effort has been made to put the claims in condition for allowance. Should the Examiner have any further concerns regarding this application, he is respectfully requested to telephone the undersigned at: 206.382.1191.

A Request for a Two Month Extension of Time, extending the deadline for response to the final Office Action to March 15, 2004, is submitted herewith, together with a Power of Attorney and Correspondence Address Indication Form. The Commissioner is hereby authorized to charge any additional fees which may be required in connection with the filing of these documents, or credit any overpayment, to Deposit Account No. 19-3555.

Respectfully submitted,


Janet Sleath
Registration No. 37,007

Date: March 8, 2004
SPECKMAN LAW GROUP
Customer No. 20601

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I hereby certify that this correspondence is being transmitted herewith via facsimile to the U.S. Patent and Trademark Office in accordance with § 1.502 on the date indicated below in the U.S. Patent and Trademark Office, Attention: Electronic Processing Unit, Group Art Unit 1631, Box no. 1-763,872,2097.

Date of Transmittal: March 6, 2004

[Signature]
James M. Schaefer, Esq.

Attorney Docket No. 11329.1001
PATENT APPLICATION

TO THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Respectfully submitted,

Charles Schaefer

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